

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MAHZAR PASHA,)
)
Petitioner,)
)
v.) Civil Action No.: 2:06-CV-445-MHT
)
SCOTT MIDDLEBROOKS,)
)
Respondent.)

**RESPONSE TO PETITION FILED PURSUANT TO TITLE 28,
UNITED STATES CODE, SECTION 2241**

Comes now the Respondent, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and pursuant to the Court's Orders, responds to the petition filed pursuant to 28 U.S.C. § 2241.

1. On August 25, 2005, the petitioner filed essentially the same petition for relief filed herein.¹ By Order entered January 31, 2006, the Court dismissed the complaint without prejudice to allow the petitioner time to exhaust his available administrative remedies.²

2. The respondent adopts and incorporates as if fully set forth herein its response and all exhibits attached thereto in the earlier filed case, USDC # 2:05-cv-00819-ID-VPM.

¹ See, USDC # 2:05-cv-00819-ID-VPM, doc. 1.

² See, USDC # 2:05-cv-00819-ID-VPM, doc. 27.

3. As noted in the declaration of Terry Collins the petitioner, as of today, has not yet exhausted his administrative remedies for the allegations contained in the instant petition.³

Respectfully submitted this 11th day of July, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

By: s/R. Randolph Neeley
Assistant United States Attorney
Bar Number: #9083-E56R
Attorney for Defendant
United States Attorney's Office
Post Office Box 197
Montgomery, AL 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7418
E-mail: rand.neeley@usdoj.gov

³ See Exhibit 1 hereto, the declaration of Terry A. Collins, executed on July 11, 2006.

CERTIFICATE OF SERVICE

I hereby certify that on July 11th, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed, by United States Postal Service, a copy of same to the following non-CM/ECF participant(s):

Mazhar Pasha, #56741-019
Federal Prison Camp - Montgomery
Mobile B - Wing
Maxwell Air Force Base
Montgomery, AL 36112

s/R. Randolph Neeley
Assistant United States Attorney